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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,030	03/19/2007	Thilo Hoffmann	HOFFMANN-7	1861
20151	7590	05/11/2009	EXAMINER	
HENRY M FEIEREISEN, LLC			LE, DANG D	
HENRY M FEIEREISEN				
708 THIRD AVENUE			ART UNIT	PAPER NUMBER
SUITE 1501				2834
NEW YORK, NY 10017				
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			05/11/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/596,030	HOFFMANN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Dang D. Le	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 January 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 13 and 15-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 13 and 15-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 13 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 18 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joong et al. (6,975,055) in view of Felici et al. (WO 00/62400).

Regarding claim 18, Joong et al. shows an electric propulsion vehicle (Figure 1A), comprising: a vehicle body (1); a wheel set (83) mounted to the vehicle body; and

an electric machine (2) operatively connected to the wheel set (Figure 1B) for mobility of the wheel set on rails (3), said electric machine including a rotor (20), a stator (10) spaced from the rotor by an air gap and formed by a plurality of laminations having axial slots and teeth (Figure 2B) extending between adjacent slots in a direction of the air gap; and pre-fabricated tooth coils placed about at least a predefined number of teeth

Joong et al. does not show the laminations having two sections configured without slots while following a contour of a stator bore in the area of the air gap and positioned in circumferential direction of the stator in opposing relationship between the vehicle body and the rails.

Felici et al. shows the laminations having two sections (Figures 1 and 5) configured without slots while following a contour of a stator bore in the area of the air gap and positioned in circumferential direction of the stator in opposing relationship between the vehicle body and the rails for the purpose of obtaining a high peak torque.

Since Joong et al. and Felici et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the laminations with two sections configured without slots while following a contour of a stator bore in the area of the air gap and positioned in circumferential direction of the stator in opposing relationship between the vehicle body and the rails as taught by Felici et al. for the purpose discussed above.

Regarding claim 15, Joong et al. and Felici et al. also shows the rotor having permanent magnets.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joong et al. in view of Felici et al. and further in view of Tajima et al. (5,432,644).

Regarding claim 13, the machine of Joong et al. modified by Felici et al. includes all of the limitations of the claimed invention except for the sections covering 60° of a circumferential area of the laminations.

Tajima et al. shows the sections covering 60° of a circumferential area of the laminations (Figure 5) for the purpose of optimizing the peak torque.

Since Joong et al., Felici et al. and Tajima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the sections with 60° of a circumferential area of the laminations as taught by Tajima et al. for the purpose discussed above.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joong et al. in view of Felici et al. and further in view of Neumann (4,469,970).

Regarding claim 16, the machine of Joong et al. modified by Felici et al. includes all of the limitations of the claimed invention except for the rotor having at least one induction cage.

Neumann shows the rotor having at least one induction cage (Figure 3A) for the purpose of increasing the rotor strength.

Since Joong et al., Felici et al. and Neumann are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the rotor with at least one induction cage as taught by Neumann for the purpose discussed above.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joong et al. in view of Felici et al. and further in view of Jin (2,946,941).

Regarding claim 17, the machine of Joong et al. modified by Felici et al. includes all of the limitations of the claimed invention except for the stator having a gapped tooth coil winding.

Jin shows the stator having a gapped tooth coil winding for the purpose of providing different speeds.

Since Joong et al., Felici et al. and Jin are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the stator with a gapped tooth coil winding as taught by Jin for the purpose discussed above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Information on How to Contact USPTO***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on (571) 272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dang D Le/  
Primary Examiner, Art Unit 2834

5/6/09